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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,447	07/27/2001	Scott Fergusson	1137.1102101	9699

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EXAMINER

MORAWSKI, LINDA

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/917,447		FERGUSON ET AL.	
	Examiner		Art Unit	
	Linda Morawski		3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>Dec 17, 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

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Specification

1. The disclosure is objected to because of the following informalities: There are blank spaces in the specification on page 1, lines 6-8 and page 13, lines 18-19. Please fill in this information.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15 and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Westerkamp et al (US 2002/0026328).

As per claim 1, Westerkamp teaches a method for providing supervision over the activities of a number of representatives of a business, the method comprising the steps of: providing a database (page 3, column 2, line 54), each of the number of representatives recording his/her activities in the database (page 7, column 1, lines 14-19); providing a number of reports, each report defining a number of unacceptable activity parameters (page 5, column 2, paragraph 2); running the number of reports against the database, each report checking the recorded activities of each representative against the number of unacceptable activity parameters defined in the report (page 7, column 2, paragraph 2); and providing a listing of alerts for only those activities in the database that fall within the unacceptable activity parameters defined in the number of reports (page 3, column 2, paragraph 1).

As per claim 2, Westerkamp teaches a method wherein the number of unacceptable activity parameters can be changed by a user or representative charged with the

Art Unit: 3623

supervision of the activities of the number of representatives. (Westerkamp's system is a method to manage the patient account life cycle (page 2, column 2, paragraph 3) therefore it would be deemed necessary to have the ability to make changes to the parameters of the reports in order to facilitate the management of it.)

As per claim 3, Westerkamp teaches a method wherein selected reports are run against the database in a batch mode during off peak hours. (Westerkamp teaches a "day end report" as noted in Figure 4a and this would constitute an off peak time. It is also noted that it is well known at the time of the invention to print or run reports during off peak hours to minimize the "load" on the database.)

As per claim 4, Westerkamp teaches a method wherein selected reports are run against the database at a preset interval. (Figure 4a depicts reports being run at a preset interval (at the end of the day)).

As per claim 5, Westerkamp teaches a method wherein selected reports are run against the database when a representative performs a predetermined function. (Figure 2 depicts a Control Report being run once a Flashpoint is completed.)

As per claim 6, Westerkamp teaches a method of storing the listing of alerts in the database. (Page 8, column 2, #18 discloses the database manager unit generating the alert. Therefore, in order to generate the alert it would have to be stored in the system prior to sending it.)

As per claim 7, Westerkamp teaches a method of performing follow up activity for selected alerts; and recording the follow up activity for the selected alerts in the database. (See Figure 2, once the alert is sent it triggers a flashpoint and once that is complete, it triggers a report. All this information is stored in the database.)

As per claim 8, Westerkamp teaches a method of assembling a listing of alerts that were generated during a predetermined previous time period. (See Figure 4a notes a day end report, which would contain the alerts and they would be from a predetermined previous time.)

As per claim 9, Westerkamp teaches a method of identifying selected alerts using a search function. (It is noted that since the system is a database and it is well known at the time of the invention that databases can be searched that this is already disclosed by Westerkamp (page 3, column 2, line 54).)

As per claim 10, Westerkamp teaches a method of providing compliance related materials to a user. (Compliance information is provided in the form of "a set of standards as part of the performance measures" as noted on page 6, column 1, paragraph 2.)

Art Unit: 3623

As per claim 11, Westerkamp teaches a method of recording when the user views or access the compliance related materials. (See page 6, column 1, paragraph 2) Once the alert is viewed, as in claim 11 above, it marks the end of the Patient Contact Phase which is recorded in the database)

As per claim 12, Westerkamp teaches a method comprising the step of accessing one or more entries in the database that correspond to a selected alert. (See page 6, column 1, paragraph 2) Staff views the alerts (which are related to the compliance material).)

As per claim 13, Westerkamp teaches a method for providing supervision over the activities of a number of representatives of a business, the method comprising the steps of: providing a database (page 3, column 2, line 54), each of the number of representatives recording his/her activities in the database (page 7, column 1, lines 14-19); providing a number of reports, each report defining a number of acceptable activity parameters (page 5, column 2, paragraph 2); running the number of reports against the database, each report checking the recorded activities of each representative against the number of unacceptable activity parameters defined in the report (page 7, column 2, paragraph 2); and providing a listing of alerts for only those activities in the database that fall outside of the acceptable activity parameters defined in the number of reports (page 3, column 2, paragraph 1, since anything that is outside the acceptable area in within the unacceptable area.)

As per claim 14, Westerkamp teaches a method for providing a report used by a supervisor for supervising the activities of a number of representatives of a business, wherein each of the number of representatives records his/her activities in the database, the method comprising: identifying one or more unacceptable activities; defining one or more unacceptable activity parameters for detecting the one or more unacceptable activities when the report is run against the database; (In order for the report to be run as mentioned in Westerkamp (page 7, column 2, paragraph 2), a parameter would have to have been identified and defined) determining which of the unacceptable activity parameters can be changed by the supervisor, resulting in one or more changeable activity parameters; and generating the report, the report including the one or more unacceptable activity parameters including one or more of the changeable activity parameters. (It is noted that the report criteria can be edited by one with the proper authority since the intent of Westerkamp's system is a method to manage the patient account life cycle (page 2, column 2, paragraph 3) therefore it would be deemed necessary to have the ability to make changes to the parameters of the reports.)

As per claim 15, Westerkamp teaches a method wherein the report is adapted to provide an alert for those activities in the database that fall within the unacceptable activity parameters defined in the report. (See page 3, column 2, paragraph 1.)

Art Unit: 3623

As per claim 27, Westerkamp teaches a method for providing a report used by a supervisor for supervising the activities of a number of representatives of a business, wherein each of the number of representatives records his/her activities in the database, the method comprising: identifying one or more acceptable activities; defining one or more acceptable activity parameters for detecting the one or more acceptable activities when the report is run against the database (In order for the report to be run as mentioned in Westerkamp (page 7, column 2, paragraph 2), a parameter would have to have been identified and defined); determining which of the acceptable activity parameters can be changed by the supervisor, resulting in one or more changeable activity parameters; and generating the report, the report including the one or more acceptable activity parameters including one or more of the changeable activity parameters. (It is noted that the report criteria can be edited by one with the proper authority since the intent of Westerkamp's system is a method to manage the patient account life cycle (page 2, column 2, paragraph 3) therefore it would be deemed necessary to have the ability to make changes to the parameters of the reports.)

As per claim 28, Westerkamp teaches a method wherein the report is adapted to provide an alert for those activities in the database that fall outside of the acceptable activity parameters defined in the report. ((See page 3, column 2, paragraph 1) If it falls within the acceptable area, it must be outside the acceptable area.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerkamp et al in view of Anderson et al (US 2004/0158524).

As per claim 16, Westerkamp teaches having a customer database that can generate various reports, but does not explicitly teach the connection to the customers as being through a broker. Anderson teaches a database (Figure 2) system capable of generating reports (page 1, column 1, paragraph 3) that is targeted to the financial services industry (page 1, column 1, paragraph 1) where a financial services provider (page 1, column 1, paragraph 3) is used to provide a connection of customers to the

Art Unit: 3623

information they need. Anderson is an analogous art for the purpose of connecting customers through brokers in the financial services industry such that it will expand the means by which customers can participate in financial transactions.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the database system as taught by Westerkamp for the financial services industry as taught by Anderson since such a modification would improve the database with a financial services provider (or broker) by providing additional information to its customers.

As per claim 17, Westerkamp does not explicitly teach specific account data, however, Anderson teaches a method wherein the database includes account data for a number of customers of the financial services firm, the account data including the date of birth of the customers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the database system as taught by Westerkamp with those financial service provider features as taught by Anderson since such a modification would provide the database with financial information for providing a means to improve financial transactions. (Financial information includes but is not limited to an account number as per claim 8).

As per claim 18, Westerkamp does not explicitly teach the recording of trades by representatives, however, Anderson teaches a method wherein one of the activities recorded by each representative is each trade made by the representative on behalf of a customer. (In figure 4 Anderson teaches the role of the financial services provider with respect to their activity being recorded for each trade. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the database as taught by Westerkamp with the financial services features as taught by Anderson since such a modification would have provided a means for improving the financial transaction process.)

6. Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerkamp in view of Gilbert (US 2002/0174043).

As per claims 19-20 and 22-26, Westerkamp teaches having a customer database which can generate various reports, but does not explicitly teach specific unacceptable activities of: too much trading by older customers, date of birth and number of trades, date of birth on or before the parameter and exceeds the number of trades parameter, a margin balance that is too large relative to the equity value, too many Annuity 1035 exchanges, too much trade activity in discretionary accounts, and having too many

Art Unit: 3623

unacceptable activities in a set time period. Gilbert teaches user-configurable (page 1, column 1, paragraph 5 and page 3, column 1, paragraph 1 and page 4, column 1, paragraph 4)) financial instrument which uses information from a customer database to generate reports and assist with financial trading activities (See Figures 1, 2 and 3).

Gilbert is an analogous art for the purpose of providing a database system for monitoring financial transactions where the use of unacceptable activities parameters will help reduce the risk of the financial investment firm. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the database of Westerkamp to be capable of processing financial information to provide a custom-designed report that would allow for the segregating of unacceptable activities.

As per claim 21, Gilbert teaches a user-configurable system (page 1, column 1, paragraph 5) wherein both the date of birth parameter and the number of trades parameter can be changed by the supervisor (since the reports generated are designed by the user it is understood that they can be changed depending up on the user's preference (page 3, column 1, paragraph 1 and page 4, column 1, paragraph 4)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Morawski whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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